

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff/Respondent,

v.

ANTONIO AGUILAR-LOPEZ,

Defendant/Movant.

No. 10-CR-6018-EFS

[No. 4:CV-15-5030-EFS]

**ORDER DISMISSING THE 28 U.S.C.
§ 2255 MOTIONS AND CLOSING FILE**

On May 5, 2015, the Court ordered Defendant/Movant Antonio Aguilar-Lopez to file a brief explaining why equitable tolling should be applied to his Motion to Vacate, Set Aside, or Correct Sentence pursuant to 28 U.S.C. § 2255. ECF Nos. 257 & 259. The Court cautioned Mr. Aguilar-Lopez that absent equitable tolling his § 2255 habeas petition would be dismissed for failure to satisfy § 2255(f)'s one-year statute of limitations. ECF No. 259 at 6 ("Mr. Aguilar-Lopez is cautioned that a failure to timely file this supplement will result in the dismissal of his § 2255 motion to vacate on grounds of untimeliness."). Mr. Aguilar-Lopez was ordered to provide his equitable-tolling supplementation no later than July 1, 2015.

The Court received nothing from Mr. Aguilar-Lopez by the deadline. On July 22, 2015, the Court received another Motion to Vacate, Set

1 Aside, or Correct Sentence pursuant to 28 U.S.C. § 2255, ECF No. 260.
2 This second motion is the exact same as the earlier filed motion except
3 that the date it was signed by Mr. Aguilar-Lopez, March 9, 2015, precedes
4 that of the earlier filed motion, which was March 24, 2015. Given that
5 the recent § 2255 motion duplicates the deficient earlier filed motion,
6 the Court finds Mr. Aguilar-Lopez has failed to establish that his
7 habeas petitions satisfy § 2255(f)'s one-year statute of limitations.

8 Accordingly, for the reasons set forth above and in the Court's
9 May 5, 2015 Order, ECF No. 259, **IT IS HEREBY ORDERED:**

- 10 1. Mr. Aguilar-Lopez's Motions to Vacate, Set Aside, or Correct
11 Sentence pursuant to 28 U.S.C. § 2255, **ECF No. 257 & 260**,
12 are **DISMISSED**.
- 13 2. This file shall be **CLOSED**.
- 14 3. The Court certifies any appeal of this dismissal would not
15 be taken in good faith.

16 **IT IS SO ORDERED.** The Clerk's Office is directed to enter this
17 Order and provide a copy to the United States Attorney's Office for the
18 Eastern District of Washington and to Mr. Aguilar-Lopez.

19 **DATED** this 23rd day of July 2015.

20
21 s/Edward F. Shea
22 EDWARD F. SHEA
23 Senior United States District Judge
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